

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ALAN W. KITCHEL,)	
)	
Plaintiff,)	
)	
v.)	1:21CV938
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge, (ECF No. 23), denying Defendant's Motion for Summary Judgement, (ECF No. 17), was filed with the Court in accordance with 28 U.S.C. § 636(b) on April 27, 2023. No objections were filed within the time prescribed by §636.

The Court hereby adopts the Magistrate Judge's Recommendation and enters this Order in accordance with the Recommendation.

IT IS THEREFORE ORDERED that Defendant's Motion for Summary Judgment, (ECF No. 17), is **DENIED**.

This, the 22nd day of May 2023.

/s/ Loretta C. Biggs
United States District Judge